

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOLEAN CALVERT,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-10-813-D
)	
CAROLYN COLVIN,)	
Acting Commissioner,)	
Social Security Administration,)	
)	
Defendant .)	

ORDER

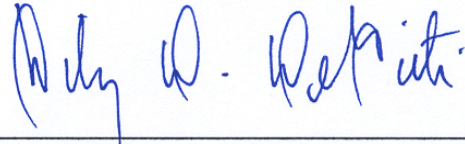
Before the Court is Plaintiff's attorney's motion for attorney fees under 42 U.S.C. § 406(b) [Doc. No. 31]. Defendant has responded to the motion, merely setting forth the applicable law and standards but taking no position on the reasonableness of Plaintiff's request for fees in the amount of \$17,523.00. [Doc. No. 32]. Plaintiff's attorney has the burden of showing that the fee award sought is reasonable. *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 n. 17 (2002).

Upon consideration of Plaintiff's attorney's motion and Defendant's response, the Court finds as follows. Following reversal of the Commissioner's decision and remand, Plaintiff was awarded \$83,675.00 in back benefits. Plaintiff's motion for § 406(b) attorney fees is timely. Plaintiff's attorney had a contingent fee agreement with Plaintiff for 25% of past due benefits awarded the Plaintiff. The amount of fees sought by Plaintiff's counsel does not exceed the maximum allowable and is reasonable in light of the quality of the work performed by Plaintiff's attorney before this Court, the number of hours of work expended by Plaintiff's attorney before this Court, 53.05 hours, and the result ultimately obtained. Plaintiff's attorney is not responsible for the

delay in Plaintiff's receipt of benefits. Plaintiff has met THE burden of showing that the amount of fees sought, \$17, 523.00, is reasonable.

Therefore, Plaintiff's attorney's motion for attorney fees in the amount of \$17,523.00 under 42 U.S.C. §406(b) [Doc. No. 31] is GRANTED and Plaintiff's attorney is awarded \$17,523.00 in attorney fees pursuant to 42 U.S.C. §406(b). Plaintiff's attorney is ORDERED to refund to Plaintiff the amount of \$6,664.20 in EAJA fees previously awarded. [Doc. No. 27].

IT IS SO ORDERED this 10th day of January, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE